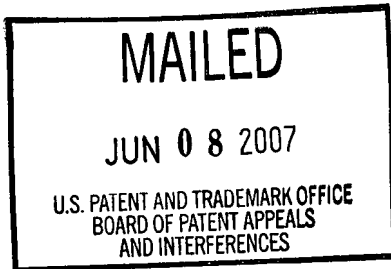


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte INGO GASSER

Application 09/936,518
Technology Center 3600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on April 11, 2007. A review has determined that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

Examiner's Answer

On May 30, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page no. 3, paragraph 8, the Examiner has stated that "No evidence is relied upon by the [E]xaminer in the rejection of the claims under appeal." A review of the file reveals that references to Tamura (GB 2,245,158A), Röck et al. (US 4,445,726), and Migliori (EP 556,613 A1) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.


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Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. *See MPEP* § 1207.02.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/hh

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